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Attorneys for Plaintiff,
Bionpharma Inc.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BIONPHARMA INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 1:21-cv-10656
)	
CORERX, INC.,)	
)	
Defendant.)	
)	

**DECLARATION OF MARISA MARINELLI, ESQ. IN SUPPORT
OF PLAINTIFF BIONPHARMA'S
MOTION TO SEAL**

Marisa Marinelli, an attorney duly admitted in the State of New York, hereby
declares under penalty of perjury as follows:

1. I am a member of the firm of Holland & Knight LLP, attorneys for Plaintiff Bionpharma Inc. ("Bionpharma") in this action. Unless otherwise indicated, all statements made herein are based upon information and belief. I am fully familiar with the categories and types of information that Bionpharma keeps confidential, and with the harm that Bionpharma will sustain if its confidential information were to become public.

2. I submit this Declaration in support of Motion to Seal.

3. This is a breach of contract action involving confidential information that Bionpharma has a legitimate interest in protecting because its customers, suppliers, and competitors could utilize the non-public information to gain an unfair advantage over Bionpharma, to its detriment.

4. The portions of (i) Plaintiff Bionpharma's Brief in Support of Motion for Preliminary Injunction, (ii) specific portions of the Declaration of Venkat Krishnan in support of Plaintiff's Motion for Preliminary Injunction, (iii) specific portions of Exhibits F, I, J, L, M, N, and O to the Declaration of Venkat Krishnan, and (iv) specific portions of the Declaration of Marisa Marinelli, Esq. in Support of Plaintiff Bionpharma's Application for Order to Show Cause with Temporary Restraints, and Motion for Preliminary Injunction (the "Documents") that Bionpharma seeks to seal contain Bionpharma's nonpublic and proprietary competitively sensitive technical and business information concerning Bionpharma's Product. Bionpharma maintains this information in confidence, and this information is of the type that is treated as confidential and proprietary by pharmaceutical companies generally. In particular, these documents disclose Bionpharma's proprietary commercial and business information such as product cost and pricing, quantities ordered, customers, and information concerning the identity of the inactive ingredients of Bionpharma's Product. This information is presently confidential and unavailable to the public.

5. Bionpharma has invested significant resources into the development, procurement, and sale of its Product with the expectation that documents containing such competitively sensitive business and commercial information would be confidential and remain unavailable to Bionpharma's customers, suppliers, and competitors.

6. There is a substantial public interest in ensuring that non-public information relating to Bionpharma's Product remain confidential and not become public at a later date.

6. The nonpublic and proprietary technical and business information relating to Bionpharma's Product would be useful to Bionpharma's customers, suppliers, and competitors in the highly competitive generic pharmaceutical marketplace.

7. If such information were to become available to the public, Bionpharma's customers, suppliers, and competitors may use the information to Bionpharma's detriment. Specifically, disclosure of this information would permit Bionpharma's customers, suppliers, and competitors to enhance their market or negotiation position vis-à-vis Bionpharma, causing Bionpharma to lose any competitive advantage in the generic pharmaceutical marketplace.

8. No less restrictive alternative to sealing the Documents is available to Bionpharma. Additionally, redacted versions of the Documents will be provided.

WHEREFORE, it is respectfully requested that Bionpharma's Motion to Seal be granted in its entirety.

Pursuant to 28 U.S.C. §1746 I hereby declare under penalty of perjury that the foregoing is true and correct.



DATED: December 13, 2021

By: _____
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